

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CHARLES BROWN,

: Plaintiff,

Civil Action  
No. 05-10400-RCL

v.

:

BIOGEN IDEC INC., WILLIAM RASTETTER  
and JAMES MULLEN,

Defendants.

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CARY GRILL,

: Plaintiff,

Civil Action  
No. 05-10453-RCL

v.

:

BIOGEN IDEC INC., WILLIAM RASTETTER  
and JAMES MULLEN,

Defendants.

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ROCHELLE LOBEL,

: Plaintiff,

Civil Action  
No. 05-10801-RCL

v.

:

BIOGEN IDEC INC., WILLIAM RASTETTER  
and JAMES MULLEN,

Defendants.

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**DEFENDANTS' RESPONSE TO THE MOTION OF  
ROCHELLE LOBEL FOR CONSOLIDATION, APPOINTMENT  
AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL**

Defendants Biogen Idec Inc., William Rastetter and James Mullen (collectively "Defendants") respond as follows to the Motion of Rochelle Lobel For Consolidation, Appointment As Lead Plaintiff And Approval Of Selection Of Lead Counsel, dated May 2, 2005 (Docket No. 13) (the "Motion"), as follows:

1. Defendants take no position concerning the Motion insofar as it seeks an order of consolidation of the above-captioned cases pursuant to Section 21D (a)(3)(B)(ii) of the Private Securities Litigation Reform Act of 1995 (the "Reform Act") (15 U.S.C. § 78u-4 (a)(3)(B)(ii)) and Fed. R. Civ. P. 42(a);
2. Defendants take no position concerning the Motion insofar as it seeks an order of appointment as lead plaintiff and the appointment of the Stull, Stull and Broday firm as plaintiff's lead counsel pursuant to Section 21(D) (a)(3)(B)(i) of the Reform Act (15 U.S.C. § 78u-4 (a)(3)(B)(i));
3. However, Defendants object to, and reserve their rights to dispute, the assertions in the memorandum in support of the Motion (Docket No. 14 at 6-8) concerning plaintiff's alleged satisfaction of the requirements of Rule 23 of the Federal Rules of Civil Procedure, including typicality and adequacy of proposed representatives. Defendants intend to move to dismiss the complaint herein. If that motion is not granted in its entirety, Defendants will address any motion by plaintiff for certification of any class alleged as to Defendants. This Court's decision on the Motion concerning appointment of lead plaintiff and its counsel

does not affect Defendants' rights to challenge class certification, including challenges based on adequacy or typicality, if any part of the action survives a motion to dismiss. See Greebel v. FTP Software, 939 F. Supp. 57, 60-61 (D. Mass. 1996) (defendants' right to challenge plaintiffs' satisfaction of Fed. R. Civ. P. 23 at the class certification stage is unaffected by lead plaintiff/lead counsel determination under the Reform Act).

Dated: May 16, 2005  
Boston, Massachusetts

Respectfully submitted,

/s/ James R. Carroll  
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